

FILED & ENTERED

OCT 11 2012

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY egarcia DEPUTY CLERK

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

| | | |
|----------------------------|---|-----------------------------------|
| In re: |) | Case No. MI 12-mp-00170 -PC |
| |) | |
| VIOLATION OF GENERAL ORDER |) | |
| 06-03 AND LBR 5005-4 |) | |
| |) | ORDER ON ORDER TO SHOW |
| |) | CAUSE WHY SANCTIONS SHOULD |
| |) | NOT BE IMPOSED AGAINST |
| |) | PETER D. NITSCHKE |
| |) | |
| |) | Date: October 9, 2012 |
| |) | Time: 11:00 a.m. |
| |) | Place: U.S. Bankruptcy Court |
| |) | Courtroom # 1468 |
| |) | 255 East Temple Street |
| |) | Los Angeles, CA 90012 |

On the above captioned date and time, the court considered its Order to Show Cause Why Sanctions Should Not Be Imposed Against Peter D. Nitschke, State Bar No. 174123, For Failing To Comply With General Order 06-03 and Local Bankruptcy Rule 5005-4 ("OSC") dated August 3, 2012. Appearances were stated on the record. Based upon findings of fact and conclusions of law stated on the record pursuant to F.R.Civ.P. 52(a)(1), as incorporated into FRBP 7052 and applied to contested matters by FRBP 9014(c), it is

ORDERED that Peter D. Nitschke, State Bar No. 174123 ("Nitschke") is suspended from practice before the United States Bankruptcy Court for the Central District of California pending (1) the issuance to Nitschke of a live ECF log-in and password in compliance with LBR 5005-4;

1 and (2) payment of the sum of \$1,000.00 in sanctions to the clerk of the court in compensation
2 for violation of LBR 5005-4 to the date of the OSC; and it is further

3 ORDERED that Nitschke must file an ex parte application for reinstatement, supported
4 by a declaration establishing compliance with the terms of this order, to terminate this
5 suspension and to resume practicing before the United States Bankruptcy Court for the Central
6 District of California. A proposed order granting reinstatement must be lodged with the court
7 upon the filing of the application for reinstatement.

8 ###

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



DATED: October 11, 2012

United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) ORDER ON ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED AGAINST PETER D.NITSCHKE was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of 10-11-12, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

☐ Service information continued
on attached page

II. SERVED BY THE COURT VIA U.S. MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

Address from USBC Attorney Profile Records

Peter D. Nitschke
16520 Bake Parkway
Irvine, CA 92618

Address from www.calbar.org

Peter D. Nitschke
260 Newport Center Dr. Ste 100
Newport Beach, CA 92660

☐ Service information continued
on attached page

III. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s), and/or email address(es) indicated below:

☐ Service information continued
on attached page